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8 IN THE UNITED STATES DISTRICT COURT
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10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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12 AMKOR TECHNOLOGY, INC.,

No. C 03-05116 WHA

13 Plaintiff,

14 v.

ORDER REQUESTING BRIEFING

15 CARSEM (M) SDN BHD ET AL,


16 Defendant.
17 _____/

18 At the January 10 case management conference, the parties disputed the question of
19 whether the district court action could proceed on the issue of damages while other issues
20 continue before the FTC. Under *In re Princo Corporation*, 478 F.3d 1345, 1356 (Fed. Cir.
21 2007), the answer is no. The mandatory stay “of any district court determination of issues
22 pending before the Commission . . . extends to any district court ‘proceedings’ on a ‘claim’
23 involving issues pending before the Commission.” *Id.* Accordingly, the current stay order must
24 remain in effect. In an *ex parte* letter brief filed after the case management conference, however,
25 plaintiff now contends that defendant has not appealed the Commission’s decision with respect
26 to two of the three patents in the action, and that therefore those patents are no longer ‘pending
27 before the Commission.’ Plaintiff asks that the stay be lifted as to these two patents so that the
28 action can proceed in this district.

1 Defendant may respond to plaintiff's submission in a brief of not more than four pages by
2 **JANUARY 17 AT NOON.** No replies, please.

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5 **IT IS SO ORDERED.**

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7 Dated: January 14, 2013.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE